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March 23, 2020

Ben Blom, Field Manager
Erik Zaborsky, Assistant Field Manager
BLM Central Coast Field Office
Attn: Cotoni-Coast Dairies RMPA/EA
940 2nd Ave., Marina, CA 93933-6009

**Re: Cotoni-Coast Dairies Combined Draft Resource Management Plan Amendment
and Environmental Assessment**

Dear Messrs. Blom and Zaborsky,

I am writing on behalf of the Santa Cruz County Farm Bureau as its President for the past 1.5 years and Board member for approximately six years. I base the following on the considerable knowledge and experience I have acquired regarding agricultural operations over that period of time. My purpose is to briefly address the potential impacts on agricultural operations which may be significantly affected by the activities and uses proposed in the Combined Draft RMPA and EA mentioned above, particularly in light of assurances previously given to the agricultural community. Thank you for your consideration of these comments.

The geographic area in which the RMPA would be implemented includes immediately adjoining and nearby productive farmlands and farmworker housing. Many of the row crop lands are covered by agricultural conservation easements. Some are organic, such as Rancho Las Palmas and Swanton Berry Farm. Some of these lands (including the two aforementioned organic operations) were part of the original acquisition of ownership of Coast Dairies and Land Corporation by the Trust for Public Land (TPL) for the purpose of transfer to BLM. BLM was unwilling to accept transfer of lands containing agricultural operations or farmworker housing and hence those lands were carved out of TPL's transfer to BLM and remain owned by TPL and leased for agricultural operations and farmworker housing.

Furthermore, there are a number of grazing lease operations involving cattle on BLM's Monument portion of Cotoni-Coast Dairies. Some, if not all, of these predated the acquisition by BLM of its now Monument lands at Cotoni-Coast Dairies.

The EA fails to identify and evaluate the impacts of the Alternatives on the productive farmlands and farmworker housing. It also fails to adequately address impacts of the Alternatives on grazing. This occurred despite the fact that Exhibit I to the 2012 Coastal Development Permit 3-11-035 states in pertinent part as follows:

**Coast Dairies & Land Co. Deed Restrictions and Reservations as approved by the
US Bureau of Land Management and the Department of Justice**

THE SUBJECT PROPERTY IS CONVEYED SUBJECT TO THE FOLLOWING COVENANTS:

(a) , The Subject Property shall be used and managed for open space and public recreation in a manner **consistent with the protection and preservation of** natural habitats, *adjacent sustainable agricultural uses, and the rights and interests of the Subject Property's current lessees and or their successors in interest.*

Exhibit I to 2012 CDP. This language is based on the “Stipulations” for the ownership and management of the Coast Dairies Property included in the 1998 purchase by TPL of Coast Dairies & Land Co. which then owned the Coast Dairies Property. These Stipulations in the original acquisition by Assignment of Stock Options contained exceptions (Attachment 1) requiring (in pertinent part) that the Coast Dairies Property will be “preserved and used in perpetuity:

(a) As open space, including, but not limited to the uses set forth herein below;

(b) **The land currently in agricultural row crop production will be managed in such a way that continued agricultural use is feasible to the maximum extent possible,** unless and until it is determined that conversion to other uses to enhance the Property's natural resource and biodiversity values would be desirable, feasible and beneficial; [and]

(e) Opportunities for public access for recreation and enjoyment will be maximized **to the extent consistent with protection and preservation of** the natural resources, **agricultural uses and the rights and interest of the Property's current lessees or their successors in interest.**

Stipulations. BLM was a party to an executed MOU regarding the Coast Dairies Property which incorporated a “**Vision Statement for Coast Dairies Property**” which included “management of the property designed to **conserve and enhance its** biological, open space and *agricultural values*, restore wetland, riparian, native grassland, forested, and other sensitive habitats, and provide compatible recreation.”

Section 1.2.2 of the EA comes close to acknowledging BLM’s obligations under the above-quoted language (and does acknowledge that grazing is one of the purposes for which the Uplands Parcels shall be managed):

Prior to the transfer of Coast Dairies to the BLM, the BLM agreed that the property would be managed for open space and public recreation in a manner **consistent with the protection and preservation of** natural resources, restoration of endangered species and their associated natural habitats, **adjacent sustainable agricultural uses**, and valid existing rights codified in the following “Upland Parcels Deed Restrictions”

- (a) The Upland Deed Restricted Parcels shall be protected, used, and managed only for open space, grazing, and public recreational access uses and development in a manner consistent with the protection and preservation of coastal resources Grazing activities shall be sited, designed, maintained, managed, and operated so as to be coordinated with, and so as to not significantly adversely affect, open space and public recreational access uses and development on the Upland Deed Restricted Parcels.

The latter sentence above has somehow morphed what was originally a requirement that recreation be compatible with grazing leases into a requirement that grazing be coordinated with, and not significantly adversely affect, open space and public recreational access and development. This may be a matter for real property law analysis, but it seems unlikely that a Coastal Development Permit (which is the source of the above quoted language) can alter the terms under which the original owner Coast Dairies & Land Company sold and TPL purchased the Coast Dairies Property, which terms were clearly communicated to the agricultural community and for the public benefit. This issue has not been adequately addressed in the EA, nor has the Coastal Commission's conclusion that public recreation uses **cannot be at the expense of agriculture** been addressed.

Additional protection for agriculture can be found in the Coastal Act. The adopted 2012 Coastal Development Permit 3-11-035, which enabled the land division which allowed the transfer of what is now the Monument land to BLM, concludes that agriculture has priority over public recreation uses. On page 11 (last sentence preceding "Analysis" heading) the CDP states as follows: "[t]he Coastal Act also requires that public recreational uses take precedence over private residential and general industrial or commercial development, **but not at the expense of agriculture** or coastal-dependent industry (Section 30222)" (emphasis added). This issue has not been adequately addressed in the EA.

Furthermore, agriculture has environmental value recognized by NEPA, so a management plan or other project must identify and analyze whether the range of alternatives in the RMPA will significantly affect agricultural operations. There are a number of statements in the EA which claim that agriculture has historically adversely impacted natural resources and that going forward wetlands need to be protected from agriculture. (*See, e.g.*, Section 2.6.1, 3.5, 4.3.3, 4.4.2, and 4.15). However the benefits of agriculture to the area and the potential for the activities and uses described in the RMPA Alternatives to adversely affect agricultural operations are not adequately addressed.

Although Section 4.14.12 acknowledges that "individuals derive passive or nonuse benefits from the existence of ... extensive agricultural lands with little development and other amenities in many areas within the planning area," nowhere does the EA acknowledge that agricultural land provides connectivity and habitat for wildlife. Even more critically, nowhere does the EA acknowledge or attempt to identify, evaluate, and mitigate the adverse impact that the proposed alternatives will have on agriculture. Examples include the potential substantial adverse impact on organic agricultural operations of herbicide spraying by helicopter or even by other methods too close to these organic operations. Additionally, all agricultural operations, whether row crop (organic, non-organic) or grazing, experience trespass, fence cutting and other vandalism when near recreation uses. The proximity of the organic farms and the inclusion of aerial spraying of herbicides within the Monument raises substantial questions that herbicide spraying may degrade the adjacent organically farmed fields. The substantial number of visitors and access and trail locations proposed in the alternatives also raise a substantial question that the ongoing and protected row crop and ranching uses will be significantly degraded by

vandalism of fences and other important ranching features and disturbances and stress to grazing cattle. These issues need to be analyzed and discussed in the EA.

Grazing is acknowledged to have some environmental benefits, such as in Figure 3.2.1-2 a photo the caption of which states (in part): "Cattle grazing controls the extent of highly undesirable, non-native ruderal patches and maintains non-native grasslands." The EA states that the BLM will investigate the utilization of grazing for targeted vegetation management objectives, and work with operators to develop a program where controlled livestock grazing could be used to protect the grasslands and oak woodland habitat, increase habitat biodiversity, control exotic annuals and invasive weeds and protect wetland riparian values. Continued grazing would have long-term, major, beneficial effects on grasslands. The beneficial effects would include reducing the dominance of weedy/ruderal patches and preventing encroachment of coyote brush into grasslands. The EA should also identify and evaluate the benefits of grazing for fire safety and prevention.

Please do the investigation and analysis required to address these important impacts on agriculture taking into account the many benefits of agriculture and avoid prioritizing other activities and uses at the expense of agriculture.

Very truly yours,
Santa Cruz County Farm Bureau



By: Brendan Miele, President

Cc: Jess Brown Executive Director

Attachment 1:

Except from Assignment of Stock Option, Escrow Account and Stock Option· Deposit'

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Attachment 1

Except from Assignment of Stock Option, Escrow Account and Stock Option- Deposit"

[The **Coast Dairies Property** will be preserved and used in perpetuity:]

- (a) As open space, including, but not limited to the uses set forth herein below;
- (b) The land currently in agricultural row crop production will be managed in such a way that continued agricultural use is feasible to the maximum extent possible, unless and until it is determined that conversion to other uses to enhance the Property's natural resource and biodiversity values would be desirable, feasible and beneficial;
- (c) The redwood trees will not be harvested from the Property, except to the extent determined necessary or desirable for public safety or for the health of the forest as a natural reserve rather than a timber production forest;
- (d) Any monetary compensation received as income resulting from the commercial uses of the Property will be used: (i) to meet obligations associated with operations and management of the Property; (ii) for endowment and/or funding of property management; and/or (iii) for measures to maximize the public enjoyment of and/or the preservation and enhancement of the Property's natural resource values; [and]
- (e) Opportunities for public access for recreation and enjoyment will be maximized to the extent consistent with protection and preservation of the natural resources, agricultural uses and the rights and interest of the Property's current lessees or their successors in interest.



CCOF

Advancing organic agriculture through certification, education, advocacy, and promotion.

March 19, 2020

BLM Central Coast Field Office
Attn: Cotoni-Coast Dairies RMPA/EA
940 2nd Avenue
Marina, CA 93933-6009

To Whom It May Concern:

California Certified Organic Farmers (CCOF) advances organic agriculture for a healthy world. We advocate on behalf of our members for organic policies, support the growth of organic through education and grants, and provide organic certification that is personal and accessible.

Our certified organic members whose operations are located near the boundaries of the Cotoni-Coast Dairies National Monument brought to our attention the Draft Resource Management Plan and Environmental Assessment for the monument. There are at least 7 certified organic operations in the Davenport area and more located along the coast. We encourage BLM to be mindful of the impact of its activities, particularly pest and weed control, on adjacent farms and ranches, especially those that are certified organic.

Our comment focuses on the Weed Management Plan presented in Appendix F. We are gratified to see that this plan emphasizes preventing new infestations; proposes to use a range of cultural weed management approaches including grazing, prescribed fire, manual and mechanical methods in addition to herbicide applications; and mentions IPM.

The monument's Weed Management Plan in addition should emphasize working with the natural process of ecological succession to ensure that weed growth is halted and that desirable plant species occupy the spaces left by the weeds. We recommend considering sowing seed of desired native plants in addition to the proposed weed removal activities.

BLM should also specify that it will consider biological control options. For example, there are numerous insects that prey on and kill spotted knapweed, yellow star thistle, Canada thistle, and Scotch broom.

In addition, the monument plan should specify that herbicide applications will be used as a last resort in managing non-native weeds and that cultural methods will be prioritized over use of synthetic pesticides. The plan should commit to using an IPM approach, not simply to describe what it is.

BLM should remove the option to apply the herbicides dicamba and 2,4-D anywhere on the monument. Both of these herbicides are notorious as herbicides that can volatilize and readily spread to non-target vegetation. Dicamba is implicated in suppressing pollinator activity¹ while both herbicides have been found

¹ Bohnenblust, E.W., Vaudo, A., Egan, J., Mortensen, D., & Tooker, J. (2015). Effects of the herbicide dicamba on non-target plants and pollinator visitation. *Environmental toxicology and chemistry* / SETAC. 35. 10.1002/etc.3169.

to negatively impact ladybugs.² Widespread dicamba applications in soybean-producing states growing dicamba-resistant beans have caused massive non-target crop losses and pose a threat to nearby native vegetation, especially trees.³ Illinois, the leading soybean producing state in the U.S., had reported record levels of crop damage caused by pesticide drift in 2019, documenting 590 dicamba-related complaints, by Aug. 23.⁴ In addition, as Appendix F notes, dicamba can have toxic effects on mammals including cattle grazing on grass containing dicamba residues and humans who enter areas to which dicamba recently was applied.

The monument boundaries are adjacent to a number of certified organic farms for which herbicide drift can cause economic damages. The coastal environment in particular can result in volatilization and post-application drift of herbicides in foggy conditions. A certified organic producer in the area successfully sued a pesticide application company for \$1 million in damages due to herbicide drift in 2007. For this reason, BLM should also remove the option to allow helicopter application of Aminopyralid and Clopyralid or any synthetic herbicide or pesticide within monument boundaries. The risk of drift from aerial applications is too high.

In addition to aerial herbicide drift, application of chemicals in the watershed creates potential that chemicals could be carried in water off-site and contaminate certified organic land or crops that come in contact with the water, emphasizing the importance of notifying neighboring farms and ranches when synthetic pesticides are planned to be applied.

BLM should maintain and refer to an up-to-date map of certified organic operations adjacent to monument boundaries whenever herbicide use is contemplated. BLM could base this map upon state organic registration data and should use the map as a reference when it considers spraying synthetic herbicides to manage invasive weed species. Additionally, BLM should develop specific procedures to notify certified organic producers when prohibited materials will be applied.

Thank you for considering our comments. Please contact us for any additional information.

Sincerely,



Senior Outreach and Policy Specialist

Cc: Kelly Damewood, CEO
Rebekah Weber, Policy Director

² Freydier, L., Lundgren, J.G. Unintended effects of the herbicides 2,4-D and dicamba on lady beetles. *Ecotoxicology* **25**, 1270–1277 (2016). <https://doi.org/10.1007/s10646-016-1680-4>

³ Charles, D. (2018, September 27). *A drifting weedkiller puts prized trees at risk*. NPR. <https://www.npr.org/sections/thesalt/2018/09/27/651262491/a-drifting-weedkiller-puts-prized-trees-at-risk>

⁴ Hettinger, J. (2019, August 27). *Despite federal, state efforts, dicamba complaints continue*. Midwest Center for Investigative Reporting. <https://investigatmidwest.org/2019/08/27/despite-federal-state-efforts-dicamba-complaints-continue/>

From: "Blom, Benjamin Z" <bblom@blm.gov>
Subject: Re: [EXTERNAL] Cotoni-Coast Dairies RMP
Date: February 21, 2020 at 8:36:29 AM PST
To: Ted Benhari <tbenhari@sbcglobal.net>
Cc: "Murphy, Sky P" <smurphy@blm.gov>

Hello Ted,

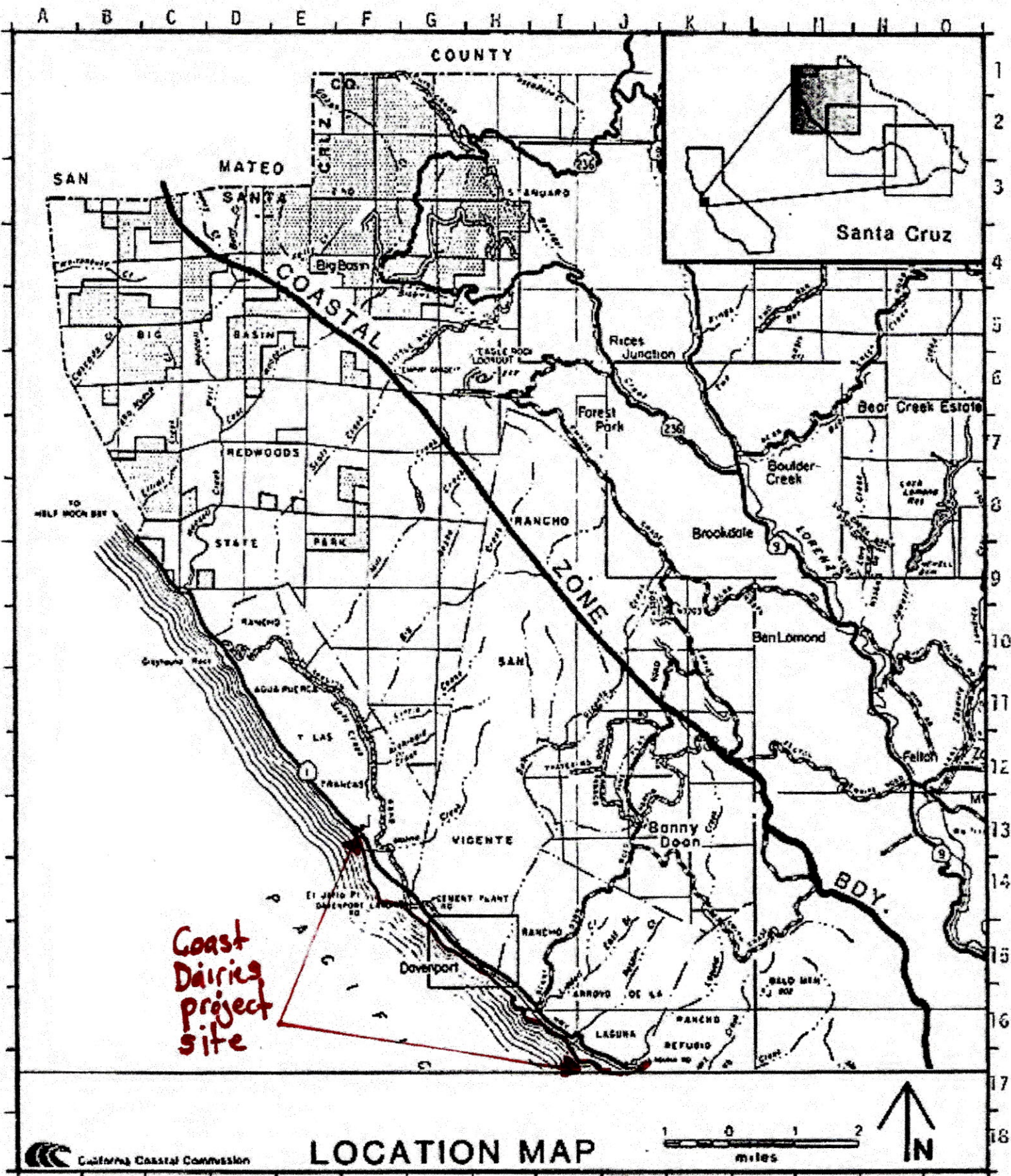
Sorry to hear that the website was causing you problems last night. I just went to the site and tested some of the links. I was able to download the appendices. It's possible that there was a temporary issue, unless there's a particular document that you're still unable to download.

In terms of public input, we are looking to hear what the public thinks about the different alternatives. We anticipate there may be components of each of the alternatives that members of the public like/dislike and that is very helpful information for us as well. I think it is likely that we will develop an Alternative D for the Proposed RMPA/Final Ea that includes components of Alternatives A, B and C. The crafting of this preferred alternative (Alternative D) will be informed by public input.

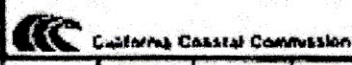
In terms of the timetable for implementation, it really depends on how quickly we are able to finalize the plan. Our hope is to finalize the plan this summer and begin the initial stages of implementation as soon as possible afterwards.

Please feel free to give me a call if you have any further questions (831-277-6295).

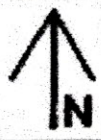
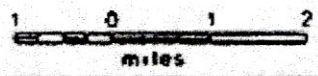
Ben Blom
Field Manager
BLM Central Coast Field Office
U.S. Department of the Interior Region 10
Office: (831) 582-2210



Coast Dairies project site



LOCATION MAP



County of Santa Cruz

CCC Exhibit A Sheet 1 of 3
 (page 1 of 2 pages)

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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W4

California Coastal Commission
October 5, 2011 Briefing

Definition and Delineation of Wetlands in the Coastal Zone

Background Information Handout

How Does The California Coastal Act Protect Wetlands?

The California Coastal Act requires that most development avoid and buffer wetland resources. Policies include:

- **Section 30231**, which requires the maintenance and restoration (if feasible) of the biological productivity and quality of wetlands appropriate to maintain optimum populations of marine organisms and for the protection of human health.
- **Section 30233**, which limits the filling of wetlands to identified high priority uses, including certain boating facilities, public recreational piers, restoration, nature study, and incidental public services (such as burying cables or pipes). Any wetland fill must be avoided unless there is no feasible less environmentally damaging alternative, and authorized fill must be fully mitigated.

Why Do We Care About Wetlands?

Wetlands provide many important functions and values. These include:

- Supporting a large **diversity** of plant and animal species, including some that are found nowhere else except in wetlands.

- Providing **habitat** for hundreds of species of shore, wading, and migratory birds and for many commercial and non-commercial fish.
- Protecting **water quality** by serving as biological filters (a natural water treatment plant) absorbing and fixing certain chemical and mineral contaminants that would otherwise flow directly into lakes, rivers, streams, and the ocean.
- **Protecting the shoreline** by buffering the coast from waves and storms.
- Serving as a water conveyance and holding system, including providing **floodwater storage**.
- Allowing for **groundwater recharge**.
- Providing areas for **recreational activities** (fishing, boating, etc.).
- Enhancing viewsheds through contributing to **aesthetic values**.

How Do We Define Wetlands?

There is no single agreed-upon general definition of wetlands, although most definitions are similar. **Coastal Act Section 30121** defines the term “wetland” as:

[L]ands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Similarly, the **U.S. Fish and Wildlife Service** (USFWS) uses a general definition from its wetlands classification system first published in 1979:

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water (Cowardin, et al. 1979).

For purposes of implementing Section 404 of the federal Clean Water Act, the United States **Environmental Protection Agency** (EPA) and the **Army Corps of Engineers** (ACOE) define wetlands as:

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas (40 CFR 232.2).

One Parameter Definition

Both the Coastal Commission and the federal government provide further specificity in their wetlands definitions to guide the process of wetlands delineation. The Coastal Commission’s

regulations (California Code of Regulations Title 14 (14 CCR)) establish a “**one parameter definition**” that only requires evidence of a single parameter to establish wetland conditions:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577)

The Commission’s one parameter definition is similar to the USFWS wetlands classification system, which states that wetlands must have **one or more** of the following three attributes:

(1) at least periodically the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Three Parameter Definition

In contrast, the Army Corps of Engineers generally uses a **three parameter definition** for delineating wetlands. As discussed in the 1987 ACOE Wetlands Delineation Manual:

The FWS system requires that a positive indicator of wetlands be present for any one of the three parameters, while the [ACOE] technical guideline for wetlands requires that a positive wetland indicator be present for each parameter (vegetation, soils, and hydrology)...(ACOE, 1987, p.3).

How Do We Delineate Wetlands?

As opposed to wetlands definitions, which describe the general **parameters** that must be shown to establish wetland conditions (hydrology, soils, and vegetation), the delineation of wetlands in the field typically requires substantial evidence of **indicators**, which are the physical, chemical, or biological features of an area that can be easily observed or assayed and that are usually correlated with the presence of a wetland parameter; and **methodologies** that guide the process of distinguishing wetland from non-wetland conditions. Such field tools are needed because the various characteristics of wetlands typically occur on physical gradients (i.e., wet to dry conditions, hydric to nonhydric soils, and hydrophytic to meso/xerophytic vegetation).

The Coastal Commission's regulations acknowledge these distinctions by specifying some general decision rules for establishing the upland boundary of wetlands:

...the upland limit of a wetland shall be defined as:

- a. the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;*
- b. the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or*
- c. in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. (14 CCR Section 13577)*

However, the Coastal Commission's regulations do not provide guidance on other specific concerns important to the delineation process for wetlands, such as:

- What are hydric soils?
- What is hydrophytic vegetation?
- How do we determine if land is saturated at some time during years of normal precipitation?
- What is a predominance of hydrophytic cover?

Therefore, additional scientific methods and guidance are required to facilitate the wetland delineation process in the field. A common source of guidance for wetland delineators is the **1987 Army Corps of Engineers Wetland Delineation Manual**. In addition to discussion of definitions and scientific concepts applicable to wetlands delineation, this manual includes detailed discussions of potential data sources, various field methods such as vegetation mapping, and so forth. The 1987 Manual has been updated and improved through the development of Regional Supplements that address regional wetland characteristics and contain improved field procedures. In California, the supplements that are used are "Western Mountains, Valleys, and Coast Region" and "Arid West Region."

Another important guidance document is the U.S. Fish and Wildlife Service's **List of Plant Species that Occur in Wetlands**. According to the USFWS, this document lists plant species "that have demonstrated an ability...to achieve maturity and reproduce in an environment where all or portions of the soil within the root zone become, periodically or continuously, saturated or inundated during the growing season." In the future, maintaining and updating this document will be the responsibility of the Army Corps of Engineers. Guidance on the identification of hydric soils is provided by the Natural Resource Conservation Service in its **Field Indicators of Hydric Soils in the United States**.

Notwithstanding the availability of various technical guidance documents on wetlands and delineation methods, it is important to recognize that the application of scientific methods and the observations of indicators in the field are subject to uncertainty and error. This is particularly the case in atypical situations such as areas where wetlands hydrology, soils, or vegetation have been sufficiently altered to preclude the presence of an indicator of a particular

parameter. Therefore, wetland delineators must also exercise **professional judgment** in the wetland delineation process.

What Are Some Important Wetland Terms?

[Definitions are adapted from ACOE's *1987 Army Corps of Engineers Wetland Delineation Manual* unless otherwise noted.]

Aerobic. A situation in which molecular oxygen is a part of the environment.

Anaerobic. A situation in which molecular oxygen is absent (or effectively so) from the environment.

Atypical situation. Areas in which one or more parameters (vegetation, soil, and/or hydrology) have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter.

False Negative. Failing to identify a wetland when it is present.

False Positive. Falsely concluding that an upland area is a wetland.

Hydric soil. Soil that is formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation (NRCS, <http://soils.usda.gov/use/hydric/intro.html>).

Hydrologic zone. An area that is inundated or has saturated soils within a specified range of frequency and duration of inundation and soil saturation.

Hydrophyte. Any plant growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (Cowardin et al, 1979).

Wetland Plant Indicator Categories. (U.S. Fish & Wildlife Service National Wetlands Inventory (http://www.fws.gov/nwi/bha/l96_intro.html))

Obligate Wetland (OBL). Occur almost always (estimated probability >99%) under natural conditions in wetlands.

Facultative Wetland (FACW). Usually occur in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands.

Facultative (FAC). Commonly occur in wetlands and non-wetlands (estimated probability of occurring in wetlands 34%-66%).

Facultative Upland (FACU). Usually occur in non-wetlands (estimated probability 67%-99%), but occasionally found in wetlands (estimated probability 1%-33%).

Obligate Upland (UPL). Occur in wetlands in another region, but occur almost always (estimated probability >99%) under natural conditions in non-wetlands in the region specified.

Indicator. Field indicators are physical, chemical, or biological features of an area that can be easily observed or assayed and that are usually correlated with the presence of a wetland parameter.

Macrophyte. Any plant species that can be readily observed without the aid of optical magnification. This includes all vascular plant species and mosses (e.g., *Sphagnum spp.*), as well as large algae (e.g. *Chara spp.*, kelp).

Mesophytic. Any plant species growing where soil moisture and aeration conditions lie between extremes. These species are typically found in habitats with average moisture conditions, neither very dry nor very wet.

Mottles. Spots or blotches of different color or shades of color interspersed within the dominant color in a soil layer, usually resulting from the presence of periodic reducing soil conditions.

Oxidation-reduction process. A complex of biochemical reactions in soil that influences the valence state of component elements and their ions. Prolonged soil saturation during the growing season elicits anaerobic conditions that shift the overall process to a reducing condition.

Parameter. A characteristic component of a defined unit. Vegetation, soil, and hydrology are three parameters that may be used to define wetlands.

Positive wetland indicator. Any evidence of the presence of hydrophytic vegetation, hydric soil, or wetland hydrology in an area.

Nonhydric soil. A soil that has developed under predominantly aerobic soil conditions. These soils normally support mesophytic or xerophytic species.

Plant community. All of the plant populations occurring in a shared habitat or environment.

Predominant (=prevalent) vegetation. The plant community or communities that occur in an area during a given period. The predominant vegetation is characterized by the dominant macrophytic species that comprise the plant community.

Redoximorphic features. Features formed by the processes of reduction, translocation, and/or oxidation of Fe and Mn oxides; formerly called mottles and low-chroma colors (USDA).

Saturated soil conditions. A condition in which all easily drained voids (pores) between soil particles in the root zone are temporarily or permanently filled with water to the soil surface at pressures greater than atmospheric.

Upland. Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

Wetland hydrology. The sum total of wetness characteristics in areas that are inundated or have saturated soils for a sufficient duration to support hydrophytic vegetation.

Wetland plant association. Any grouping of plant species that recurs wherever certain wetland conditions occur.

Wetland soil. A soil that has characteristics developed under reducing conditions, which exist when periods of prolonged soil saturation result in an anaerobic state. Hydric soils that are sufficiently wet to support hydrophytic vegetation are wetland soils.

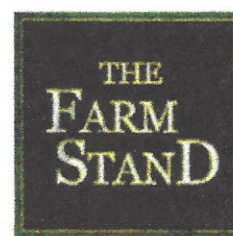
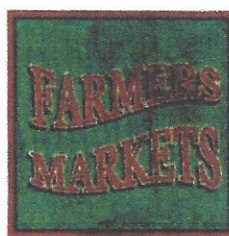
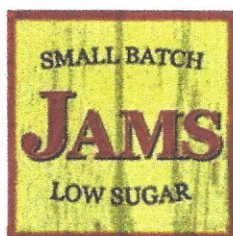
Wetland vegetation. The sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present.

Xerophytic. A plant species that is typically adapted for life in conditions where a lack of water is a limiting factor for growth and/or reproduction. These species are capable of growth in extremely dry conditions as a result of morphological, physiological, and/or reproductive adaptations.

Selected References

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EXHIBIT L



History

Swanton Berry Farm was founded in 1983 by two dreamers who had previously worked on farmworker-owned cooperatives here in Central California. Jim Cochran and Mark Matze both got the farming bug and couldn't resist trying it on their own. They rented 4 acres of land, bought an old tractor, and planted four acres of strawberries. At that time no one had grown strawberries organically on a commercially successful basis, and everyone in the industry said it couldn't be done. Two earlier dreamers, Cesar Chavez and Rachel Carson had spawned a dream.

The first couple of years, they experimented with both chemical and organic methods, and had enough success to pay the bills, but not much more. Mark decided to move on, married a wonderful woman, Claire, and eventually wound up farming in Argentina, where he is today.

Jim stayed on, said his vows to the farm, borrowed some money, and continues today, renting four beautiful ranches strung along Highway One, north of Santa Cruz, California.

Highlights

In 1987, the farm was certified by California Certified Organic Farmers, becoming the first organic strawberry farm in California.

In 1998, Swanton Berry Farm was the first organic farm to sign a contract with the United Farm Workers, AFL-CIO.

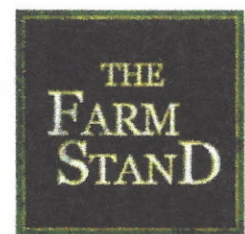
In 2002, Swanton Berry Farm was awarded the EPA's Stratospheric Ozone Protection Award for being the "pioneer...in developing the technology of farming strawberries...without relying on the soil fumigant methyl bromide," a major contributor to the depletion of the Ozone Layer.

In 2003, Swanton Berry Farm was the single farm in the US selected to undergo a pilot audit of labor practices, toward the goal of establishing international labor standards for small farms.

In 2004, Jim Cochran and Sandy Brown traveled to Rome to make a presentation about labor standards at the United Nations Food and Agriculture Organization.

In 2005, Swanton Berry Farm began to offer ownership opportunities in the form of stock bonuses to career-oriented employees. Over time, key employees will come to own a substantial portion of the Company.

In 2011 Jim was awarded the National Resource Defense Council's Growing Green Food Producer Award on behalf of Swanton Berry Farm.



Five Locations

We are privileged to lease some of the most beautiful farmland in California. We take very seriously our responsibility for improving the land we farm, and for being good neighbors to the people, plants, and wildlife of the Coast. We farm in five different locations, each with a unique soil type and microclimate.

Swanton Ranch:

The Swanton Ranch is the location for our U-pick strawberries opening in May 2005. The property borders Highway One, and is the site of our Farm Stand and kitchen, various barns, a large shop, an office, and buildings housing about twenty employees. This ranch has a number of interesting features, including a sand dune populated with un-disturbed native species, and a reservoir that is home to migratory birds, newts, and numerous other creatures. We lease only 40 acres of this large ranch, because it has very little water available. Thanks to the Trust for Public Land, this beautiful part of the California coast has been permanently preserved. We lease fifty acres of this property beginning in 2000. While there is only enough water to support two acres of our U-Pick berries, we have headquartered our operations here.

Coastways Ranch:

This beautiful, historic ranch is located along Highway One, just across from Año Nuevo State Park, home of the Elephant Seals. Coastways is the site of our U-Pick olallieberries, and kiwis. We have been farming it organically since we leased it in December, 2003; it is now Certified Organic as of 2007. Coastways Ranch is owned by the Hudson family. We are fortunate to have Tim Hudson working with us as part of the Swanton Berry Farm family.

Wilder Ranch:

This ranch is located within Wilder Ranch State Park. We have farmed here for ten years, and are growing our second rotation of strawberries, which amazingly, have grown better than the first round. We have plenty of (expensive) city water, and have drawn most of our production from these fields in recent years. It has been a pleasure to work with the Park Service over the years to integrate farming with the public's enjoyment of this important resource.

Davenport Field:

This field is currently fallow due to lack of water.

Laguna Ranch:

This ranch is owned by David and Stephanie Mills, who have graciously donated all the rent proceeds to the UCSC Farm and Garden. It has spectacular views of the Monterey Bay and produces great strawberries. We happily share the view with several families of bobcats, who fan out across the field to help with gopher patrol.

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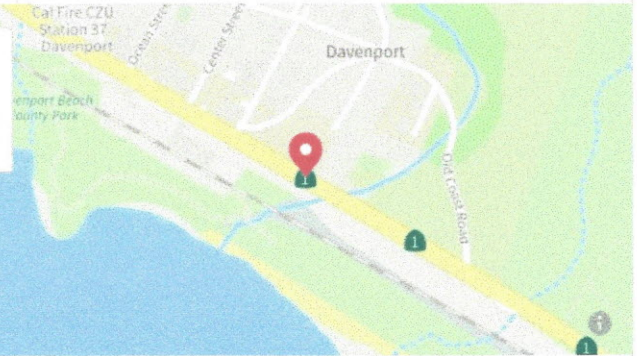
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MORE INFO

About Rancho Las Palmas is an Organic Farm. We are certified organic by CCOF. Some of our Crops; Snap Peas, Artichoke, Fava beans. We work really hard to ensure that our products are as healthy as they can be.

Farm · Fruit & Vegetable Store · Agricultural Cooperative

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